

**State of California
Office of Administrative Law**

**In re:
Fish and Game Commission**

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

Regulatory Action:

Title 14, California Code of Regulations

Amend section: 27.80

**Government Code Sections 11346.1 and
11349.6**

OAL File No. 2011-0321-01 E

This action establishes the opening date for ocean salmon sport fishing on April 2, 2011.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 4/2/2011 and will expire on 9/30/2011. The Certificate of Compliance for this action is due no later than 9/29/2011.

Date: 4/1/2011



**David D. Potter
Senior Staff Counsel**

**For: DEBRA M. CORNEZ
Assistant Chief Counsel/Acting Director**

**Original: Jon Fischer
Copy: Sherrie Fonbuena**

STD. 400 (REV. 01-09)

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|------------------|---------------------------------|--------------------------|--|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z- | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 2011-0321-01E |
|------------------|---------------------------------|--------------------------|--|

For use by Office of Administrative Law (OAL) only

2011 MAR 21 AM 10:04
OFFICE OF
ADMINISTRATIVE LAW

ENDORSED FILED
IN THE OFFICE OF

2011 APR -1 PM 2:38

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Fish and Game Commission

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|--|--|
| 1a. SUBJECT OF REGULATION(S) Ocean Salmon Sport Fishing | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) |
|--|--|

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

| | |
|--|----------------|
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND 27.80 |
| | REPEAL |
| TITLE(S) 14 | |

3. TYPE OF FILING

| | | | |
|---|---|---|---|
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §511346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §511349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | <input type="checkbox"/> Other (Specify) _____ | | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

| | | | |
|--|--|---|--|
| <input type="checkbox"/> Effective 30th day after filing with Secretary of State | <input type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> §100 Changes Without Regulatory Effect | <input checked="" type="checkbox"/> Effective other (Specify) <u>April 2, 2011</u> |
|--|--|---|--|

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

| | | |
|--|--|---|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____ | | |

| | | | |
|---------------------------------------|------------------------------------|---|---|
| 7. CONTACT PERSON Sherrie Fonbuena | TELEPHONE NUMBER (916) 654-9866 | FAX NUMBER (Optional) (916) 653-5040 | E-MAIL ADDRESS (Optional) SFonbuena@fgc.ca.gov |
|---------------------------------------|------------------------------------|---|---|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|-----------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Jon K. Fischer</i> | DATE 21 March 2011 |
| TYPED NAME AND TITLE OF SIGNATORY Jon K. Fischer, Acting Executive Director | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 01 2011

Office of Administrative Law

Regulatory Language

Section 27.80, Title 14, CCR is amended to read:

§27.80. Salmon.

(a) Methods of take:

(1) General Provisions. Only by angling as defined in Section 1.05. No sinkers or weights exceeding four pounds may be used, except that a fishing line may be attached to a sinker or weight of any size if such sinker or weight is suspended by a separate line and the fishing line is released automatically by a mechanical device from the sinker or weight when any fish is hooked. See sections 28.65 and 28.70.

(2) Barbless Hooks. No more than two (2) single point, single shank barbless hooks shall be used in the ocean north of Point Conception (34° 27'00"N. lat.) when salmon fishing or fishing from any boat or floating device with salmon on board.

(3) Other Hook Restrictions. When fishing with bait in the ocean between Horse Mountain (40° 05'00"N. lat.) and Point Conception, if angling by any means other than trolling, then no more than two (2) single point, single shank, barbless circle hooks shall be used. The distance between the two hooks must not exceed five inches when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). A circle hook is defined as a hook with a generally circular shape, and a point which turns inwards, pointing directly to the shank at a 90 degree angle. Trolling is defined as angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions. See Section 28.65(g).

(4) One Rod Restriction north of Point Conception. Salmon may be taken by angling with no more than one rod in ocean waters north of Point Conception. See Section 28.65(e).

(b) Season:

(1) North of Horse Mountain (40° 05'00"N. lat.) and Humboldt Bay. All waters of the ocean north of Horse Mountain and in Humboldt Bay are open to salmon fishing from May 29, 2010 to September 6, 2010.

Exception: The ocean area surrounding the Klamath River mouth bounded on the north by 41° 38'48"N lat. (approximately 6 nautical miles north of the Klamath River mouth), on the south by 41° 26'48"N lat. (approximately 6 nautical miles south of the Klamath River mouth), and extending 3 nautical miles offshore is closed to salmon fishing during August. No salmon may be taken at any time in ocean waters at the mouths of the Smith and Klamath rivers and during August and September at the mouth of the Eel River. See Section 27.75.

(2) Between Horse Mountain and Point Arena (38° 57'30"N. lat.). All waters of the ocean between Horse Mountain and Point Arena ~~are~~will open to salmon fishing ~~April 3 to September 6, 2010~~ 2, 2011. (Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish

and Game Commission and the section will be amended pursuant to the regulatory process.)

(3) Between Point Arena and Pigeon Point (37° 11'00"N. lat.). All waters of the ocean between Point Arena and Pigeon Point arewill open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only 2, 2011.

(Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

(4) Between Pigeon Point and Point Sur (36° 18'00"N. lat.). All waters of the ocean between Pigeon Point and Point Sur arewill open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only 2, 2011.

(Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

(5) South of Point Sur. All waters of the ocean south of Point Sur arewill open to salmon fishing April 3, 2010 to April 30, 2010 seven days per week. From May 1, 2010 through September 6, 2010, fishing is open Thursday through Monday only 2, 2011. (Note: The rest of the season will be decided in April by the Pacific Fishery Management Council and California Fish and Game Commission and the section will be amended pursuant to the regulatory process.)

(c) Limit:

(1) Two salmon per day. See subsection (c)(2) below and Section 1.17.

(2) Statewide Silver (coho) Salmon Restrictions: No silver (coho) salmon may be retained.

(d) Minimum size:

(1) ~~North of Horse Mountain: Twenty-four inches total length.~~

(2) ~~South of Horse Mountain: Twenty inches total length through April 30, 2010 and twenty-four inches total length thereafter.~~

Note: Authority cited: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and Game Code. Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.